

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RUSTY LEE ROUSE,

Plaintiff,

v.

KEVIN HANSEN, *et al.*,

Defendants.

CASE NO. 3:24-cv-05068-TL-GJL

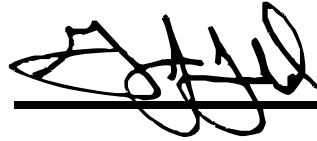
ORDER DENYING MOTION TO
DISMISS WITHOUT PREJUDICE

This civil rights action filed pursuant to 42 U.S.C. § 1983 has been referred to United States Magistrate Judge Grady J. Leupold. Plaintiff Rusty Lee Rouse, proceeding *pro se* and *In Forma Pauperis*, initiated this action challenging several aspects of his pretrial detention at Mason County Jail. Dkt. 8. After screening Plaintiff's Second Amended Complaint and dismissing his deficient claims (Dkts. 10, 14), the Court ordered service upon Defendants Mason County, Kevin Hansen, Randy Newell, Bree Borden, and Julia Rice. Dkt. 16. In that Service Order, the Court directed Defendants "to review the Court's April 15, 2024 Order (Dkt. 14) and the March 25, 2024 Report and Recommendation (Dkt. 10) before preparing their responsive pleadings or Rule 12 motion." *Id.* at 2.

On May 10, 2024, Defendants filed a Rule 12(b)(6) Motion to Dismiss all claims raised in Plaintiff's Second Amended Complaint, including those claims already dismissed by the Court as deficient. *Compare* Dkt. 26 *with* Dkts. 10, 14. Thus, it is apparent Defendants did not heed the

1 Court's directive to familiarize themselves with the docket before filing their Motion to Dismiss.
2 As such, the Motion (Dkt. 26) is **DENIED without prejudice**¹ to permit refiling after
3 Defendants demonstrate they have fully reviewed the docket in this case.

4 Dated this 13th day of May, 2024.

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7 Grady J. Leupold
8 United States Magistrate Judge
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21 ¹ The denial of a motion without prejudice is non-dispositive. *See Jones v. Corr. Corp. of Am.*, 2011 WL 1706838, at
22 *4 (D. Ariz. May 5, 2011) (internal quotations omitted) (“A denial without prejudice is different than a denial with
23 prejudice in the sense that the former does not preclude a subsequent motion based on the same argument.”).
24 Therefore, in the interest of judicial efficiency, the Court enters this Order denying the instant Motion, rather than a
report and recommendation. *See, e.g., McCain v. California Highway Patrol*, 2011 WL 6328221, at *1, n.1 (E.D.
Cal. Dec. 16, 2011) (noting the magistrate judge’s denial without prejudice of the plaintiff’s partial motion for
summary judgment was non-dispositive and, therefore, the magistrate judge was not required to submit findings and
recommendations).